

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

THE HUMANE SOCIETY OF THE UNITED STATES,
HARVEY DILLENBURG, and
IOWA CITIZENS FOR COMMUNITY IMPROVEMENT

PLAINTIFFS-APPELLANTS

v.

TOM VILSACK, SECRETARY OF THE

DEFENDANT-APPELLEE

CASE No. 13-5293

STATEMENT OF ISSUES TO BE RAISED

Pursuant to the Court's order of October 2, 2013, Plaintiff-Appellant The Humane Society of the United States submits this non-binding preliminary statement of issues to be raised:

1. Did the Court err in dismissing Plaintiff's complaint pursuant to FRCP 12(b)(1) for lack of subject matter jurisdiction?
2. Did the Court err in denying jurisdictional fact discovery before making a determination of subject matter jurisdiction under FRCP 12(b)(1)?

Respectfully submitted on November 1, 2013.

/s/ Matthew E. Penzer

Matthew E. Penzer

Jonathan R. Lovvorn

The Humane Society of the United States
2100 L. St., N.W.

Washington, DC 20037

(240) 271-6144

(202) 676-2357 Facsimile

Counsel for Plaintiffs-Appellants

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2013, I electronically filed the foregoing brief with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Matthew E. Penzer
Matthew E. Penzer